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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,989	03/31/2004	Darryl Lawson	022141-000100US	7287

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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,989	LAWSON, DARRYL	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-16-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Objections

1. Claim 1 is objected to because of the following informalities: the term - -game- - should be inserted after “small” in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 13 of claim 1 there is insufficient antecedent basis for the terms “the tail” and this renders the claim indefinite in that it is unclear to whether the claim is referring to the tail of the game animal or the tail end of a component of the claimed apparatus.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

• A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,454,630 to Shouldis.

Referring to claim 1, Shouldis discloses a fish and/or small game processing apparatus dependently suspends a fish and/or small game along an inclined supporting surface, the processing apparatus comprising in combination, a fillet board – at 21,23, having a supporting surface – see at the top of items 21 and 23, elongated along a major axis and the supporting surface extending across the length of the fillet board parallel to a minor axis normal to the major axis – see for example at the top of items 21 and 23 in figures 1-5, a loop – at 31,39,41, mounted at one of the fillet board approximate the major axis for suspending the fish and/or small game by an appendage – see for example figure 5, apparatus for supporting the fillet board – at 15,29,37, with the supporting surface upwardly exposed and the major axis in an inclined disposition with the loop at the upper end of the inclined fillet board – see for example figures 1-6, the supported fillet board having the supporting surface horizontally disposed relative to the minor axis when the fillet board is in the inclined disposition – see for example figures 1-6, whereby the fish and/or small game when suspended at the upper end of the fillet board from the loop disposed the body of the fish and/or small game along the major axis of the fillet board depending downwardly from the loop for support across the fillet board along the minor axis whereby the fish and/or small game is supported for processing – see for example figures 1-6.

Referring to claim 2, Shouldis discloses the apparatus for supporting the fillet board in the inclined disposition is an A-frame – see for example figure 6.

Referring to claim 4, Shouldis further discloses the fillet board – at 21-23, defines a compartment – see at 37, for containing tools – see for example figure 2.

Referring to claim 5, Shouldis discloses the A-frame is hinged to the fillet board – see at 29 in figure 6.

Referring to claim 6, Shouldis discloses the A-frame opens at a fixed angle relative to the fillet board – see for example figure 6.

Referring to claims 12-16, these claims are a method for using the device of claim 1 and therefore, it is deemed that the Shouldis reference inherently discloses the method to use the apparatus claims since it discloses the apparatus as seen above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shouldis as applied to claim 1 above, and further in view of U.S. Patent No. 1,632,194 to Possehl. Shouldis does not disclose the fillet board is a hollow sheet metal construction. Possehl does disclose the fillet board – at 14-15, is a hollow sheet metal construction – see for example figure 2 and page 1 lines 52-55. Therefore it would have been obvious to one of ordinary skill in the art to take the

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device of Shouldis and add the hollow sheet metal fillet board of Possehl, so as to allow for the device to be durable for repeated use.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shouldis as applied to claim 1 above.

Referring to claim 7, Shouldis does not disclose the loop is a rope. However, it would have been obvious to one of ordinary skill in the art to take the device of Shouldis and add the loop being a rope, so as to allow for the loop to be flexible and durable.

Referring to claim 8, Shouldis further discloses the loop – at 41, fastens to the fillet board – at 21,23, at a notch – see proximate 31 in figure 5.

Referring to claims 9-11, Shouldis does not disclose the inclined disposition of the major axis exceeds 45°, 60° or 75°. However, these limitations are determined via experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Shouldis and add the inclined disposition of the major axis exceeding 45°, 60° or 75°, so as to allow for the orientation of the fish or game animal on the board facilitating quick processing of the fish or game animal.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to game processing supports in general:

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U.S. Pat. No. 1,259,109 to Kugler et al. – shows fish holding device

U.S. Pat. No. 1,438,091 to Bowe – shows fish holding device

U.S. Pat. No. 2,686,334 to Miller – shows fish holding device

U.S. Pat. No. 2,834,041 to Miron – shows fish holding device

U.S. Pat. No. 2,974,357 to Berg – shows fish holding device

U.S. Pat. No. 3,248,751 to Wilborn – shows fish holding device

U.S. Pat. No. 3,445,885 to Reitz – shows fish holding device

U.S. Pat. No. 3,503,094 to Kennedy – shows fish holding device

U.S. Pat. No. 3,713,188 to Holladay – shows fish filleting board

U.S. Pat. No. 3,753,270 to Hellebusch – shows fish holding device

U.S. Pat. No. 3,833,967 to Kieser – shows fish holding device

U.S. Pat. No. 4,023,303 to Maunu – shows fish holding device

U.S. Pat. No. 4,229,858 to Baxter et al. – shows fish filleting device

U.S. Pat. No. 4,506,411 to Ivy – shows game processing device

U.S. Pat. No. 4,977,644 to Evans et al. – shows fish holding device

U.S. Pat. No. 5,944,596 to Hargrove – shows fish holding device

U.S. Pat. No. 6,117,004 to Fure – shows fish processing device

JP Pat. No. 3-72838 – shows fish holding device

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

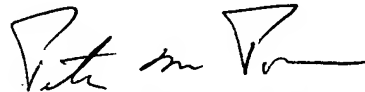
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

9/16/05